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C O N F I D E N T I A L SECTION 1 OF 5 USNATO 2416

FOLLOWING IS THE TEXT OF AN EC-NINE PAPER, CIRCULATED
AT NATO BY THE UK DELEGATION ACTING IN ITS PRESIDENCY
ROLE, ON "PREPARATIONS FOR BELGRADE: HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS." BEGIN TEXT:

I. INTRODUCTION

ALTHOUGH THE PRINCIPLE OF RESPECT FOR HUMAN RIGHTS DID
NOT RECEIVE AS MUCH ATTENTION AS BASKET III DURING THE CSCE, SINCE
HELSINKI DEVELOPMENTS WITH REGARD TO THE HUMAN RIGHTS MOVEMENT IN
EASTERN EUROPE HAVE TENDED TO FOCUS THE ATTENTION OF THE WESTERN
PRESS AND PUBLIC ON THIS PRINCIPLE TO SUCH AN EXTENT THA IT IS, AT
TIMES, MADE INTO THE CENTRE PIECE OF THE FINAL ACT.

THE PRINCIPLE AND ITS IMPLEMENTATION WILL, THEREFORE,
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INEVITABLY PLAY AN IMPORTANT ROLE IN THE BELGRADE MEETING AND
IN THE PREPARATIONS FOR IT, SO THAT IT IS URGENT FOR THE WEST
TO BEGIN MAKING UP THEIR MINDS ABOUT HOW TO HANDLE THIS QUESTION.

THE PRESENT PAPER CONSTITUTES AN EFFORT AT FORMULATING
SOME POLICY LINES WHICH THE WEST COULD FOLLOW WITH REGARD TO THE
QUESTION OF HUMAN RIGHTS, BASED ON THE RELEVANT TEXTS FROM THE
FINAL ACT, WHICH ARE ATTACHED (ANNEX A).

II. SOME CONSIDERATIONS ABOUT THE SEVENTH PRINCIPLE

A. THE VERY FACT THAT THE PRINCIPLE OF RESPECT FOR HUMAN RIGHTS WAS INCLUDED, ON AN EQUAL FOOTING WITH THE OTHER, IN A LIST OF PRINCIPLES IN INTER-STATE RELATIONS, SUPPORTS THE WESTERN VIEW ACCORDING TO WHICH THE WAY IN WHICH THIS RESPECT IS ENSURED CONSTITUTES ONE OF THE VITAL CRITERIA IN JUDGING THE STATE OF DETENTE AS A WHOLE. THIS LINK BETWEEN HUMAN RIGHTS AND DETENTE IS ALSO EXPLICITLY MENTIONED: RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IS CALLED "AN ESSENTIAL FACTOR FOR THE PEACE, JUSTICE AND WELL-BEING NECESSARY TO ENSURE THE DEVELOPMENT OF FRIENDLY RELATIONS AND CO-OPERATION AMONG PARTICIPATING STATES."

THUS, THE PRINCIPLE ON HUMAN RIGHTS, TOGETHER WITH THOSE ON THE SELF-DETERMINATION OF PEOPLES AND ON CO-OPERATION, CONSTITUTES ONE OF THE FOUNDATIONS OF THE EVOLUTIONARY CONCEPT OF DETENTE, AS AGAINST THE STATIC CONCEPT SUPPORTED BY THE EAST, BASED ESSENTIALLY UPON THE RECOGNITION OF THE EXISTING POLITICAL AND TERRITORIAL REALITIES.

THE ELABORATION OF THE PRINCIPLE IN ITS VARIOUS PARTS ALSO CLEARLY REFLECTS THE WESTERN POSITION. EASTERN VIEWS, AIMED AT EMPHASIZING THE SUBORDINATION OF THE RIGHTS OF THE INDIVIDUAL TO THE INTERESTS OF THE COLLECTIVITY AS WELL AS THE FUNDAMENTAL IMPORTANCE OF ECONOMIC AND SOCIAL RIGHTS, HAVE FOUND VERY LITTLE REFLECTION IN THE TEXT.
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IN THE CONNECTION THE FOLLOWING POINTS ARE TO BE NOTED:

- A. THE DUTY TO RESPECT AND PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IS STATED BOTH IN REFERENCE TO THE INDIVIDUAL ACTIVITY OF STATES IN THEIR RESPECTIVE TERRITORIES, AND IN REFERENCE TO INTERNATIONAL COOPERATION, BOTH BILATERAL AND MULTILATERAL, IN THIS FIELD;
- B. EMPHASIS IS PLACED NOT ONLY ON THE RESPECT IN A GENERAL SENSE OF THOSE RIGHTS AND FREEDOMS, BUT ALSO ON PROMOTING AND GUARANTEEING THE ACTUAL EXERCISE OF THOSE SAME RIGHTS AND FREEDOMS;
- C. THE INHERENT DIGNITY OF THE HUMAN PERSON IS RECOGNIZED AS THE SOURCE OF ALL HUMAN RIGHTS INCLUDING THOSE OF A SOCIAL CHARACTER. THIS IS A WESTERN CONCEPT AS OPPOSED TO THE COMMUNIST CONCEPT WHICH WOULD GIVE PRIORITY TO THE SOCIETY AND MAKE INDIVIDUAL RIGHTS DEPENDENT UPON, OR AT LEAST SECONDARY TO, IMPROVEMENTS OF MATERIAL CONDITIONS, AND SOCIAL PROGRESS.
- D. THE RIGHT OF EACH INDIVIDUAL TO KNOW HIS RIGHTS AND TO ACT UPON THEM IS RECOGNISED.

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MOREOVER, IMPORTANT PROGRESS WAS ACHIEVED IN THE FIRST SENTENCE OF PARA 8 BY COMMITTING ALL PARTICIPANTS TO "ACT IN CONFORMITY WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS", A DOCUMENT WHICH THE EASTERN COUNTRIES HAD NEVER UNCONDITIONALLY ACCEPTED. THE UN COVENANTS, ON THE MENTIONING OF WHICH THE USSR INSISTED, ARE REFERRED TO IN SUCH A MANNER AS TO EMPHASIZE "THE FULFILMENT OF THE OBLIGATION OWMQEL VQEXCEPT# BY THE PARTIES THERETO AS WELL AS TO RECALL THE EXISTENCE OF OTHER INTERNATIONAL AGREEMENTS AND DECLARATIONS PERTAINING TO HUMAN FIGHTS.

IN ADDITION, IN THE PREAMBLE TO THE DECLARATION ON PRINCIPLES, THE PARTICIPATING STATES DECLARED THEIR DETERMINATION TO RESPECT THE SEVENTH PRINCIPLE, LIKE ALL THE OTHERS, "IRRESPECTIVE OF THEIR POLITICAL, ECONOMIC OR SOCIAL SYSTEMS." DESPITE THE FACT
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THAT THIS STATEMENT WAS MADE WITH REFERENCE TO "RELATIONS WITH ALL OTHER PARTICIPATING STATES.", THIS MAKES IT MORE DIFFICULT FOR THE SOVIET UNION AND ITS ALLIES TO ARGUE THAT THE SPECIAL NATURE OF THEIR GOVERNMENTAL SYSTEMS EXCUSES THEM FROM BEHAVING TWOARDS THOSE UNDER THEIR JURISDICTION IN ACCORDANCE WITH HUMAN RIGHTS.

SOME CONSIDERATIONS WITH REGARD TO THE OTHER RELEVANT TEXTS ARE TO BE FOUND IN ANNEX B.

III. HUMAN RIGHTS, STATE SOVEREIGNTY AND NON-INTERVENTION
THERE IS NO UNANIMITY IN INTERNATIONAL PRACTICE ON THE QUESTION HOW FAR A STATE CAN GO IN CRITIZISING THE BEHAVIOUR OF A THIRD STATE IN THE FIELD OF HUMAN RIGHTS WITHOUT VIOLATING THE RIGHTS INHERENT IN THAT THIRD STATE'S SOVEREIGNTY. FOR THE PURPOSES OF THE PRESENT PAPER, DETAILED LEGAL ANALYSIS OF THIS QUESTION IS NOT REQUIRED. THE MODERATE LINE OF ACTION ADVOCATED

COULD IN NO WAY BE CONSTRUED AS VIOLATING THE SOVEREIGNTY OF THE USSR AND ITS ALLIES. FOR THE PURPOSES OF THE PRESENT PAPER IT IS SUFFICIENT TO KEEP IN MIND THAT

- FROM THE LEGAL POINT OF VIEW THE PROBLEM IS ONE OF STATE SOVEREIGNTY AND NOT OF INTERVENTION,
- IT SEEMS DIFFICULT FOR A STATE TO PLEAD ITS SOVEREIGNTY WHEN CONFRONTED WITH MODERATE DEMANDS TO KEEP UP WITH ITS OWN POLITICAL PROMISES.

THE EAST FOR ITS OWN TACTICAL REASONS HAS PREFERRED SO FAR TO JUSTIFY ITS PROTESTS ON THE BASIS OF THE NON-INTERVENTION PRINCIPLE. AGAINST WHAT THE WEST SHOULD ARGUE THAT THE WORDING OF THAT PRINCIPLE AS SET OUT IN THE FINAL ACT DOES NOT JUSTIFY SUCH AN OBJECTION. WE COULD ALSO MAKE USE OF THE SECOND PARAGRAPH OF THE TENTH PRINCIPLE (FULFILMENT IN GOOD FAITH OF OBLIGATIONS UNDER INTERNATIONAL LAW).

IV. WESTERN ATTITUDE

IT IS CLEAR FROM THE RELEVANT TEXTS, AND LOGICAL AS WELL - SIGNATORIES OF ANY DOCUMENT WOULD SEEM TO BE ENTITLED TO URGE THE NECESSITY OF ITS IMPLEMENTATION - THAT THE WESTERN PARTICIPANTS

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HAVE THE RIGHT TO RAISE THE SUBJECT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WITH THEIR EASTERN COUNTERPARTS BEFORE, IN AND AFTER BELGRADE. MOREOVER, SINCE THE 7TH PRINCIPLE FORMS AN INTEGRAL PART OF THE FINAL ACT, IT WILL BE UNAVOIDABLE TO TAKE IT INTO ACCOUNT IN THE EVALUATION OF THE FINAL ACT AS A WHOLE.

THE PRIME CONSIDERATION FOR THE WEST IN FORMULATING THEIR POLICY IN THIS FIELD, AS IN OTHER, WILL BE THAT THE NET RESULT OF THEIR EFFORTS SHOULD CONSIST OF AN ADVANCE IN THE IMPLEMENTATION OF THE RELEVANT PASSAGES IN THE FINAL ACT, I.E., THE 7TH PRINCIPLE; IN OTHER WORDS, THAT THE HUMAN RIGHTS SITUATION IN EASTERN EUROPE SHOULD IMPROVE. SINCE THE ATTENTION OF WESTERN PUBLIC OPINION HAS BECOME INCREASINGLY CLOSELY FOCUSED UPON THE IMPLEMENTATION OF HUMAN RIGHTS BY THE PARTICIPATING STATES, THE CREDIBILITY OF THE FINAL ACT AND OF DETENTE ITSELF WOULD BE THREATENED IF THE WESTERN COUNTRIES WERE TO FAIL TO TAKE A SUFFICIENTLY FIRM LINE ON THIS SUBJECT AT BELGRADE.

IN PREPARING THEIR POLICY, THE WESTERN COUNTRIES WILL HAVE TO ASSESS THE EXTENT TO WHICH PRESSURE IN THE HUMAN RIGHTS FIELD WILL BE ACCEPTABLE FOR EASTERN EUROPE. SOME CONSIDERATIONS RELEVANT TO THIS QUESTION ARE SET OUT BELOW, IN CHAPTER V, II.

FOR THE WEST, ONE OF THE VERY FEW WAYS IN WHICH IT CAN EXERT SOME REAL PRESSURE ON THE EASTERN COUNTRIES TO IMPROVE THEIR PRACTICES IS TO CONVINCE THEM THAT THE IMPLEMENTATION OF THE 7TH PRINCIPLE WILL BE EVALUATED IN BELGRADE ALONG WITH THE REST OF THE FINAL ACT, AND THAT IT WILL CONTRIBUTE TO THE ASSESSMENT OF THE STATE OF IMPLEMENTATION, AND OF DETENTE, AS A WHOLE. THE WARSAW PACT

STATES ARE CONCERNED ABOUT THE IMAGE THEY WILL PROJECT IN
BELGRADE, AND THEY WILL BE PREPARED TO GO TO SOME LENGTHS
TO PRESENT THEIR CASE AS FAVOURABLY AS POSSIBLE.

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IF, ON THE OTHER HAND, THE WESTERN PARTICIPANTS WERE TO
DECLARE NOW THAT THEY INTEND TO AVOID ALL CONTROVERSY IN
BELGRADE, OR IF IN ANY OTHER MANNER THEY CREATED THE IM-
PRESSION THAT FOR THE SAKE OF ATMOSPHERICS, THEY WOULD BE
PREPARED TO PLAY DOWN THE HUMAN RIGHTS PROBLEM THERE, THEN
THE EASTERN STATES WOULD NO LONGER FEEL UNDER ANY PRESSURE
TO IMPROVE UPON THEIR OWN PRACTICES, WHICH THEN MIGHT EVEN
FURTHER DETERIORATE.

V. EASTERN EUROPEAN ATTITUDE

IT IS TO BE EXPECTED THAT THE USSR AND ITS ALLIES WILL ADOPT
EITHER OR ALL OF THE FOLLOWING POSITIONS:

I. ARGUE THE RELEVANCE OF THE NON-INTERVENTION PRINCIPLE.

AGAINST THIS THE WEST WOULD USE THE ARGUMENTS SET OUT AT THE END
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OF CHAPTER III AND IN ANNEX B.

II. TRY TO SEPARATE HUMAN RIGHTS FROM INTER-STATE RELATIONS, AND WARN US ABOUT A DETERIORATION OF DETENTE AND EVEN A RETURN TO THE "COLD WAR" IF WE REFUSE SUCH AN APPROACH. IF THE USSR HAS AN IMPORTANT INTEREST IN DETENTE, AS WE THINK THEY HAVE, MUCH OF WHAT IS SAID IN THEIR VEIN WILL BE BLUFF, INTENDED IN THE FIRST PLACE TO INTIMIDATE THE WEST.

IT WOULD BE IMPORTANT TO ASCERTAIN WHERE BLUFF ENDS AND WHERE SOVIET APPREHENSION AND IRRITATION BECOME SO INTENSE THAT WESTERN LOSSES MIGHT BECOME GREATER THAN WESTERN GAINS. VARIOUS ARGUMENTS HAVE BEEN PUT FORWARD TO THIS END SUCH AS:

- THE PREVAILING INTEREST OF THE SU IN DETENTE AS A PRE-CONDITION FOR SUCCESSFUL CONTINUATION OF NEGOTIATIONS LIKE SALT AND MBFR, AND FOR INDUSTRIAL CO-OPERATION.
- ON THE OTHER HAND THE DANGER, AT LEAST AS PERCEIVED BY THE OTHER SIDE, TO THE INTERNAL ORDER IN SOME SATELLITE COUNTRIES AND IN THE USSR ITSELF;
- DEEPLY ROOTED RUSSIAN TRADITIONS WHICH MAKE THEIR LEADERSHIP PARTICULARLY SENSITIVE TO FOREIGN CRITICISM. IT IS DIFFICULT TO THINK OF A CLEAR-CUT ANSWER, AND THE SOLUTION MIGHT BE TO STEER A COURSE THAT CORRESPONDS TO WESTERN TRADITIONS AND WESTERN POLITICAL NEEDS WHILE BEING AWARE OF THE RISKS INVOLVED.

III. COUNTER-ATTACK IN THE SAME FIELD, I.E., HUMAN RIGHTS. PROBABLY, THE EASTERN COUNTRIES WOULD CHOOSE THE UN COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS FOR THIS PURPOSE, SELECTING CERTAIN ARTICLES SUCH AS EQUAL RIGHTS OF MEN AND WOMEN (ART. 3) OR THE RIGHT TO WORK (ART. 6). IT WILL BE IMPORTANT FOR THE WEST TO MAKE A THOROUGH STUDY OF BOTH COVENANTS AND OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, IN ORDER TO BE IN A POSITION TO EVALUATE REALISTICALLY THEIR OWN PERFORMANCE AND THAT OF OTHER PARTICIPANTS.

IT SHOULD BE NOTED THAT, IF THE EASTERN COUNTRIES CHOOSE TO
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COUNTER-ATTACK, THEY WILL HAVE WEAKENED THEIR POSITION ON NON-INTERVENTION. SIMILARLY, AS LONG AS THEY ARGUE NON-INTERVENTION THEY WILL, IN ORDER TO PROTECT THAT POSITION, HAVE TO REFRAIN FROM INCRIMINATING OTHERS.

VI. LINE TO TAKE:

THE ABOVE DOES NOT IMPLY THAT IT WILL BE IN THE INTEREST OF THE WEST TO CHART A COLLISION COURSE FOR BELGRADE. THE RIGHT CONCLUSION IS THAT IF WE WISH TO IMPROVE THE HUMAN RIGHTS SITUATION IN EASTERN EUROPE, WE SHOULD DURING THE PRE-BELGRADE PERIOD POINT OUT TO THE EASTERN CSCE PARTICIPANTS:

I. THAT IT IS NOT INEVITABLE THAT THERE WILL BE OPEN

CONFRONTATION ABOUT HUMAN RIGHTS IN BELGRADE, AND THAT THE WEST DOES NOT FAVOUR UNDUE POLEMICS THERE;

II. THAT, HOWEVER, THIS ITEM FORMS AN INTEGRAL PART OF THE FINAL ACT AND ITS EVALUATION, AND THAT THE PRINCIPLE OF NON-INTERVENTION CAN NOT BE INVOKED AGAINST IT;

III. THAT THE WEST KEEPS ITS OPTIONS OPEN TO COMMENT IN BELGRADE AS IT SEES FIT ON DEVELOPMENTS IN THE FIELD OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

BETWEEN THE PREPARATORY MEETING AND THE MAIN MEETING WE WILL HAVE TO TAKE A FURTHER DECISION ON THE ATTITUDE TO ADOPT IN BELGRADE.

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II. THE TEXTS:

THE TEXT OF THE PRINCIPLE, AS QUOTED FROM THE DECLARATION ON PRINCIPLES GUIDING RELATIONS BETWEEN PARTICIPATING STATES, READS AS FOLLOWS (NUMBERS TO PARAS ADDED FOR EASY REFERENCE):

"VII. RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF:

1. THE PARTICIPATING STATES WILL RESPECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF, FOR ALL WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION.
2. THEY WILL PROMOTE AND ENCOURAGE THE EFFECTIVE EXERCISE OF CIVIL, POLITICAL, ECONOMIC, SOCIAL, CULTURAL AND

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OTHER RIGHTS AND FREEDOMS ALL OF WHICH DERIVE FROM THE INHERENT DIGNITY OF THE HUMAN PERSON AND ARE ESSENTIAL FOR HIS FREE AND FULL DEVELOPMENT.

3. WITHIN THIS FRAMEWORK THE PARTICIPATING STATES WILL RECOGNIZE AND RESPECT THE FREEDOM OF THE INDIVIDUAL TO PROFESS AND PRACTISE, ALONE OR IN COMMUNITY WITH OTHERS, RELIGION OR BELIEF ACTING IN ACCORDANCE WITH THE DICTATES OF HIS OWN CONSCIENCE.

4. THE PARTICIPATING STATES ON WHOSE TERRITORY NATIONAL MINORITIES EXIST WILL RESPECT THE RIGHT OF PERSONS BELONGING TO SUCH MINORITIES TO EQUALITY BEFORE THE LAW, WILL AFFORD THEM THE FULL OPPORTUNITY FOR THE ACTUAL ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND WILL, IN THIS MANNER, PROTECT THEIR LEGITIMATE INTERESTS IN THIS SPHERE.

5. THE PARTICIPATING STATES RECOGNIZE THE UNIVERSAL SIGNIFICANCE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, RESPECT FOR WHICH IS AN ESSENTIAL FACTOR FOR THE PEACE, JUSTICE AND WELL-BEING NECESSARY TO ENSURE THE DEVELOPMENT OF FRIENDLY RELATIONS AND CO-OPERATION AMONG THEMSELVES AS AMONG ALL STATES.

6. THEY WILL CONSTANTLY RESPECT THESE RIGHTS AND FREEDOMS IN THEIR MUTUAL RELATIONS AND WILL ENDEAVOUR JOINTLY AND SEPARATELY, INCLUDING IN CO-OPERATION WITH THE UNITED NATIONS, TO PROMOTE UNIVERSAL AND EFFECTIVE RESPECT FOR THEM.

7. THEY CONFIRM THE RIGHT OF THE INDIVIDUAL TO KNOW AND ACT UPON HIS RIGHTS AND DUTIES IN THIS FIELD.

8.

8. IN THE FIELD OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, THE PARTICIPATING STATES WILL ACT IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS AND WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. THEY WILL ALSO FULFIL THEIR OBLIGATIONS AS SET FORTH IN THE INTERNATIONAL DECLARATIONS AND AGREEMENTS IN THIS FIELD, INCLUDING INTER ALIA THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS, BY WHICH THEY MAY BE BOUND."

THE OTHER RELEVANT TEXTS IN THE FINAL ACT ARE:

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(FROM THE LAST PREAMBULAR PARAGRAPH OF THE DECLARATION ON PRINCIPLES)

"DECLARE THEIR DETERMINATION TO RESPECT AND PUT INTO PRACTICE, EACH OF THEM IN ITS RELATIONS WITH ALL OTHER PARTICIPATING STATES, IRRESPECTIVE OF THEIR POLITICAL, ECONOMIC OR SOCIAL SYSTEMS (...) THE FOLLOWING PRINCIPLES, WHICH ALL ARE OF PRIMARY SIGNIFICANCE, GUIDING THEIR MUTUAL RELATIONS (...); (FROM PRINCIPLE I:)

"I. SOVEREIGN EQUALITY, RESPECT FOR THE RIGHTS INHERENT IN SOVEREIGNTY: THEY WILL ALSO RESPECT EACH OTHER'S RIGHT FREELY TO

CHOOSE AND DEVELOP ITS POLITICAL, SOCIAL, ECONOMIC AND CULTURAL SYSTEMS AS WELL AS ITS RIGHT TO DETERMINE ITS LAWS AND REGULATIONS.";

(PRINCIPLE VI)

"VI. NON-INTERVENTION IN INTERNAL AFFAIRS:

1. THE PARTICIPATING STATES WILL REFRAIN FROM ANY INTERVENTION, DIRECT OR INDIRECT, INDIVIDUAL OR COLLECTIVE, IN THE INTERNAL OR EXTERNAL AFFAIRS FALLING WITHIN THE DOMESTIC JURISDICTION OF ANOTHER PARTICIPATING STATE, REGARDLESS OF THEIR MUTUAL RELATIONS.
2. THEY WILL ACCORDINGLY REFRAIN FROM ANY FORM OF ARMED INTERVENTION OR THREAT OF SUCH INTERVENTION AGAINST ANOTHER PARTICIPATING STATE.
3. THEY WILL LIKEWISE IN ALL CIRCUMSTANCES REFRAIN FROM ANY OTHER ACT OF MILITARY, OR OF POLITICAL, ECONOMIC OR OTHER COERCION DESIGNED TO SUBORDINATE TO THEIR OWN INTEREST THE EXERCISE BY ANOTHER PARTICIPATING STATE OF THE RIGHTS INHERENT IN ITS SOVEREIGNTY AND TUS TO SECURE ADVANTAGES OF ANY KIND.

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4. ACCORDINGLY, THEY WILL, INTERALIA, REFRAIN FROM DIRECT OR INDIRECT ASSISTANCE TO TERRORIST ACTIVITIES, OR TO SUBVERSIVE OR OTHER ACTIVITIES DIRECTED TOWARDS THE VIOLENT OVERTHROW OF THE REGIME OF ANOTHER PARTICIPATING STATE.";

(FROM PRINCIPLE X:)

"X. FULFILMENT IN GOOD FAITH OF OBLIGATIONS UNDER INTERNATIONAL LAW: IN EXERCISING THEIR SOVERIGN RIGHTS, INCLUDING THE RIGHT TO DETERMINE THEIR LAWS AND REGULATIONS, THEY WILL CONFORM WITH THEIR

LEGAL OBLIGATIONS UNDER INTERNATIONAL LAW; THEY WILL FURTHERMORE
PAY DUE REGARD TO AND IMPLEMENT THE PROVISIONS IN THE FINAL
ACT OF THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE".;

(FROM THE FINAL CLAUSES OF THE DECLARATION ON PRINCIPLES:)
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"ALL THE PRINCIPLES SET FORTH ABOVE ARE OF PRIMARY SIGNIFICANCE
AND, ACCORDINGLY, THEY WILL BE EQUALLY AND UNRESERVEDLY APPLIED,
EACH OF THEM BEING INTERPRETED TAKING INTO ACCOUNT THE OTHERS.(MMLL
THE PARTICIPATING STATES DECLARE THEIR INTENTION TO CONDUCT THEIR
RELATIONS WITH ALL OTHER STATES IN THE SPIRIT OF THE PRINCIPLES
CONTAINED IN THE PRESENT DECLARATION".

(FROM OPERATIVE PARAGRAPH 1 OF THE SECTION ON FOLLOW-UP)
"DECLARE THEIR RESOLVE, IN THE PERIOD FOLLOWING THE
CONFERENCE, TO PAY DUE REGARD TO AND IMPLEMENT THE PROVISIONS OF
THE FINAL ACT OF THE CONFERENCE (...)."

FINALLY, IT SHOULD BE NOTED THAT IN A NUMBER OF PLACES IN
THE FINAL ACT (EG IN PRINCIPLE IX), "JUSTICE" IS REFERRED TO ALONG
WITH "PEACE" AND "SECURITY".

B. THE PRINCIPLE OF NON-INTERVENTION IS OFTEN QUOTED
(AND THEN MORE OFTEN THAN NOT WRONGLY REFERRED TO AS "NON-
INTERFERENCE") BY EASTERN COUNTRIES TO SUPPORT THEIR VIEW
THAT WESTERN STATES SHOULD ABSTAIN FROM ALLUDING TO, LET
ALONE CRITICIZE, THEIR PERFORMANCE IN THE FIELD OF HUMAN RIGHTS.

A CLOSE LOOK AT THE TEXT OF THE NON-INTERVENTION
PRINCIPLE SHOWS THAT ITS STRUCTURE, SEEN AS A WHOLE, SUP-
PORTS THE WESTERN INTERPRETATION THAT IT PERTAINS TO IL-
LEGAL INTERVENTIONS, EXERCISED BY COERCION, IN THE AFFAIRS
FALLING WITHIN OTHER PARTICIPANTS' DOMESTIC JURISDICTION,
VIZ. THOSE WHICH DO NOT INVOLVE INTERNATIONAL OBLIGATIONS
OR RESPONSIBILITIES; NOT TO LEGITIMATE INTERFERENCES SUCH
AS REQUESTS FOR THE IMPLEMENTATION OF THE FINAL ACT.

THE FIRST PARAGRAPH SETS OUT THE PRINCIPLE. THEN
FOLLOW THREE PARAGRAPHS ALL INTRODUCED BY "ACCORDINGLY"
(2ND AND 4TH PARAGRAPH) OR BY "LIKEWISE" (THIRD PARAGRAPH).
THUS IT IS MADE CLEAR THAT THE CONTENTS OF THESE PARAGRAPHS
ARE CONCRETE APPLICATIONS OF THE PRINCIPLE AS SET OUT IN
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THE FIRST PARAGRAPH. THE SUBSTANCE OF THESE CONCRETE APPLI-
CATIONS IN EACH CASE POINT TO THE CLASSICAL MEANING OF
"INTERVENTION" AS UNLAWFUL ATTEMPTS BY A GIVEN STATE TO
SUBORDINATE TO ITS OWN INTERESTS THE EXERCISE BY ANOTHER
STATE OF THE RIGHTS INHERENT IN ITS SOVEREIGNTY OR TO FOMENT

THE VIOLENT OVERTHROW OF THE REGIME OF ANOTHER STATE. THESE CONCRETE EXAMPLES ARE TO BE TAKEN INTO ACCOUNT IN INTERPRETING THE PRINCIPLE. IF THERE WAS ANY ROOM FOR DOUBT AS TO THE MEANING OF THE FIRST PARAGRAPH THESE DOUBTS WOULD THEREFORE BE REMOVED BY THE TEXT AS A WHOLE.

C. THE TEXT ON THE "RIGHT TO DETERMINE ITS OWN LAWS AND REGULATIONS" WAS INCLUDED IN JULY 1974 FOLLOWING AN INITIATIVE BY NEUTRAL COUNTRIES AIMING AT ENDING THE DEADLOCK IN THE NEGOTIATIONS ON THE THIRD BASKET. THIS TEXT, WHICH EASTERN COUNTRIES INTENDED AS A PROTECTION AGAINST UNDERSIRABLE PROVISIONS IN THE THIRD BASKET, SHOULD BE READ TOGETHER WITH THE SECOND PARAGRAPH OF THE TENTH PRINCIPLE ALSO QUOTED ABOVE. THIS PARAGRAPH, WHICH WAS DRAWN UP AS A PART OF THE SAME PACKAGE DEAL, CONSTITUTES A REAFFIRMATION OF THE PRIMACY OF INTERNATIONAL LAW, AND A DECLARATION OF INTENT TO IMPLEMENT "THE PROVISIONS OF THE FINAL ACT".
END TEXT. STREATOR

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<< END OF DOCUMENT >>

Message Attributes

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Disposition Event:
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